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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,584	08/03/2000	Masaki Seike	32857	9239

116 7590 08/02/2004

PEARNE & GORDON LLP  
1801 EAST 9TH STREET  
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CLEVELAND, OH 44114-3108

EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 08/02/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/630,584

Applicant(s)

Seike et al.

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10,13-16,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 13-16, 18, and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on August 3, 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. This Action is in response to Applicant's supplemental amendment after final filed on May 10, 2004. **Claims 1, 3-10, 13-16, 18, and 20** are now pending in the present application. **This Action is made NON-FINAL.**

#### *Allowable Subject Matter*

2. The indicated allowability of **claims 3-7, 10, 16, 18, and 20** is withdrawn in view of the newly discovered reference to **Barber et al. (U.S. Patent # 5,471,518)**. Rejections based on the newly cited reference follow.

#### *Priority*

3. Acknowledgment is made of Applicant's claim for foreign priority based on an application filed in Japan on August 5, 1999. It is noted, however, that Applicant has not filed a certified copy of the 11-222593 application as required by 35 U.S.C. 119(b).

#### *Drawings*

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference numbers not mentioned in the description: On **figure 3**, reference

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numbers **21 and 23** are not mentioned in the description.

5. Corrected drawing sheets are required in reply to the Office Action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the Applicant will be notified and informed of any required corrective action in the next Office Action. If a response to the present Office Action fails to include proper drawing corrections, corrected drawings or arguments therefor, the response can be held **NON-RESPONSIVE** and/or the application could be **ABANDONED** since the corrections to the drawings are no longer held in abeyance.

*Specification*

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: --  
**MOBILE COMMUNICATION TERMINAL WITH ENHANCED MEMORY  
MANAGEMENT AND METHOD THEREFOR--.**

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***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3-10, 13-16, 18, and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by **Barber et al. (U.S. Patent # 5,471,518)**.

Consider **claims 1, 8, 13, 15, 16, 18, and 20**, Barber et al. clearly show and disclose a method and a cellular telephone 10 (mobile communication terminal) (figure 1) comprising:

a central processing unit (CPU) 18 (information managing portion) (figure 1 and column 3 lines 49-54);

a random access memory (RAM) 20 (volatile storage medium) (figure 1); and

a flash (ROM) memory 36 (nonvolatile storage medium) (figure 1) managed by the CPU 18 (information managing portion) and having a plurality of memory sectors (areas) 40, 42, 44, and 46 each for storing a value of an information item that is regularly accessed (e.g., volume data, air-time information, speed dial numbers) (column 1 lines 43-52, column 2 lines 57-62, and column 4 lines 43-47), wherein said CPU 18 (information managing portion) stores one value of the information item in one memory sector (area) at regular time intervals and further wherein said CPU 18 (information managing portion) subsequently stores an updated value of the information item in a different memory sector (area) such that the one value and the update value are both concurrently stored in the flash memory 36 (nonvolatile storage medium) for some time period (column 2 line 34 - column 3 line 16),

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wherein said CPU 18 (information managing portion) associates a management number (e.g. tag value) with each stored value of the information item, with the management number indicating an update of the stored value, wherein the CPU 18 (information managing portion) utilizes the management number to select the updated value of the information item stored in the flash memory 36 (nonvolatile storage medium) (column 3 lines 7-16 and column 4 line 61 - column 5 line 66).

Consider **claim 3**, Barber et al. also show and disclose the cellular telephone 10 (mobile communication terminal) (figure 1) comprising:

a central processing unit (CPU) 18 (information managing portion) (figure 1 and column 3 lines 49-54);

a random access memory (RAM) 20 (volatile storage medium) (figure 1); and

a flash memory 36 (nonvolatile storage medium) (figure 1), wherein the RAM 20 (volatile storage medium) and the flash memory 36 (nonvolatile storage medium) are both managed by the CPU 18 (information managing portion) and wherein said CPU 18 (information managing portion) stores identical information into the RAM 20 (volatile storage medium) and the flash memory 36 (nonvolatile storage medium) at different times (column 3 lines 49-58 and column 4 lines 39-60), and further wherein said CPU 18 (information managing portion) compares the identical information stored in both the RAM 20 (volatile storage medium) and the flash memory 36 (nonvolatile storage medium) for consistency during an initial state, and further wherein said CPU 18 (information managing portion) retrieves the information stored in the flash memory 36 (nonvolatile storage medium) if the information stored in the RAM 20 (volatile

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storage medium) is not consistent with the information stored in the flash memory 36 (nonvolatile storage medium) (column 4 line 48 - column 5 line 30).

Consider **claims 4 and 5**, and **as applied to claim 3 above**, Barber et al. further disclose that the CPU 18 (information managing portion) checks for a normality of the information by comparing with the information stored in the flash memory 36 (nonvolatile storage medium) (column 4 line 61 - column 5 line 30).

Consider **claims 6, 7, and 10**, and **as applied to claim 3 above**, Barber et al. also show and disclose that said flash memory 36 (nonvolatile storage medium) (figure 1) has a plurality of memory sectors (areas) 40, 42, 44, and 46 each for storing a value of an information item (column 1 lines 43-52, column 2 lines 57-62, and column 4 lines 43-47), and said CPU 18 (information managing portion) stores sequentially the values of the information items into the plurality of memory sectors (areas) 40, 42, 44, and 46 of the flash memory 36 (nonvolatile storage medium) (column 2 line 34 - column 3 line 16 and column 4 line 61 - column 5 line 66),

wherein said CPU 18 (information managing portion) associates management numbers (e.g. tag values) indicating update sequences to information having a higher update frequency to the flash memory 36 (nonvolatile storage medium) at the time of updating, and wherein the CPU 18 (information managing portion) utilizes the management numbers to select the updated sequences (column 3 lines 7-16 and column 4 line 61 - column 5 line 66).

Consider **claims 9 and 14**, and **as applied to claims 1 and 16 above**, Barber et al. further show and disclose only a single power source 38 (battery) (figure 1 and column 4 lines 7 and 8).

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***Conclusion***

8. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Crystal Park II  
2021 Crystal Drive  
Arlington, VA 22202  
Sixth Floor (Receptionist)

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.



*Rafael Perez-Gutierrez*

R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**  
**PATENT EXAMINER**

July 26, 2004